

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

Rockies Express Pipeline, LLC,	:	
	:	
Plaintiff,	:	Case No. 2:07-cv-982
	:	
v.	:	Judge Graham
	:	Magistrate Judge King
Louis Billings, Jr., et al.,	:	
	:	
Defendants.	:	

**ORDER**

On March 3, 2008, the court held a hearing on the Motion of Rockies Express Pipeline, LLC for Temporary Restraining Order and Preliminary and Permanent Injunction against various defendants named in Plaintiff's Amended Complaint. Plaintiff seeks access to the properties of the defendants for purposes of conducting civil surveys, archeological surveys, environmental surveys, appraisals and other examinations on Defendants' properties as are necessary, proper, and permitted under Ohio Revised Code § 163.03 with regard to the construction of an interstate natural gas pipeline, a portion of which is anticipated to travel through the State of Ohio.

Only Defendants Ronald Fuller and Maurice Allen Hartley, both *pro se* defendants, appeared for the hearing.<sup>1</sup> For the reasons set forth below, Plaintiff's Motion for a Temporary Restraining Order and Preliminary Injunction against Defendants Maurice Allen

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<sup>1</sup>Counsel for Plaintiff informed the court that Plaintiff had reached settlement agreements with Defendants John Rowe, Catherine Rowe, and John Forman. Answering Defendants Raymond M. Grudier, Jr. and Carment Elaine Hixon failed to appear at the hearing. All other remaining defendants - Jack Cornett, Brigitte Cornett, Levi Miller, Naomi Miller, Holmesville Woodland, Inc. c/o Levi A. Miller, Virgil Stillion, and Mary Stillion - have been found in default.

Hartley, Ronald Fuller, Raymond M. Grudier, Jr. and Carment Elaine Hixon is GRANTED.

The court has considered the pleadings, motions, and statements of counsel and Defendants and finds that Plaintiff is a company organized for the purpose of storing and transporting natural gas through pipes and, as such, has the right to access the subject properties pursuant to Ohio Revised Code § 163.01 *et seq.* and Ohio Revised Code § 1723.01 *et seq.* The Court further finds that: Plaintiff has a high likelihood of success on the merits; Plaintiff will be irreparably harmed by substantial delays in Plaintiff's pipeline project; a temporary restraining order and preliminary injunction will not cause substantial harm to others; and the public interest would be served by the temporary restraining order and preliminary injunction.<sup>2</sup> Accordingly, the court hereby GRANTS Plaintiff's motion.

It is further ORDERED that:

(a) Defendants Maurice Allen Hartley, Ronald Fuller, Raymond Grudier, Jr. and Carment Elaine Hixon are enjoined from delaying or obstructing the access of Plaintiff's agents to Defendants' properties for purposes of conducting civil surveys, archeological surveys, environmental surveys, appraisals and other examinations as are necessary, proper and permitted under Ohio Revised Code § 163.03;

(b) Plaintiff's agents are hereby granted immediate access to Defendants Maurice Allen Hartley, Ronald Fuller, Raymond Grudier, Jr., and Carment Elaine Hixon's properties for the purposes of

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<sup>2</sup>The court hereby incorporates by reference its order of October 23, 2007, for further support of its findings.

conducting such civil surveys, archeological surveys, environmental surveys, appraisals, and other examinations as are necessary and proper pursuant to Ohio Revised Code § 163.03.

(c) Plaintiff shall make restitution for any actual damages resulting to Defendants' lands, waters, and premises and to improvements or personal property located in, on, along, over, or under such lands, waters, and premises as a result of such surveys, appraisals and examinations pursuant to Ohio Revised Code § 163.03.

IT IS SO ORDERED.

/s/ James L. Graham  
JAMES L. GRAHAM  
Senior United States District Judge

Date: March 5, 2008